

400 Garden City Plaza – Suite 300
 Garden City, New York 11530
 (516) 742-4343 - Telephone
 (516) 742-4366 - Facsimile
 e-mail: intprop@ssmp.com

**SCULLY, SCOTT, MURPHY
 & PRESSER**

Fax

**RECEIVED
 CENTRAL FAX CENTER
 AUG 29 2005**

To:	Examiner Musalin B. Hafiz	From:	Leslie S. Szivos
Fax:	(571) 273-8300	Pages:	6 pages including cover sheet
Phone:		Date:	8/29/2005
Re:	U.S. Serial No: 10/710,738 Group Art Unit: 2814 Confirmation No: 4737 Docket No: FIS920040004US1 (17368)	CC:	

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

• Attached hereto:

1. Certificate of Transmission by Facsimile
2. Transmittal Letter (in duplicate)
3. Response Under 37 C.F.R. §§1.111 and 1.143
4. Authorization to charge deposit account

CONFIDENTIALITY: The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Grace Colucci at ext. 590 or via e-mail at gcolucci@ssmp.com.

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)
Applicant(s): Brian Messenger, et al.

Docket No.

FIS920040004US1 (17368)

Application No.
10/710,738Filing Date
July 30, 2004Examiner
Mursalin B. HafizGroup Art Unit
2814Invention: **MANUFACTURABLE RECESSED STRAINED RSD STRUCTURE AND PROCESS FOR ADVANCED CMOS**Confirmation No.: **4737**

I hereby certify that this

RESPONSE UNDER 37 C.F.R. §§1.111 AND 1.143*(Identify type of correspondence)*is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. **(571) 273-8300**)on **August 29, 2005***(Date)***Leslie S. Sgivos***(Typed or Printed Name of Person Signing Certificate)**(Signature)*

Note: Each paper must have its own certificate of mailing.

AUG 29 2005

TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
FIS920040004US1 (17368)

In Re Application Of: Brian Messenger, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/710,738	July 30, 2004	Mursalin B. Hafiz	23389	2814	4737

Title: MANUFACTURABLE RECESSED STRAINED RSD STRUCTURE AND PROCESS FOR ADVANCED CMOS

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

RESPONSE UNDER 37 C.F.R. §§1.111 AND 1.143

in the above identified application.

No additional fee is required.

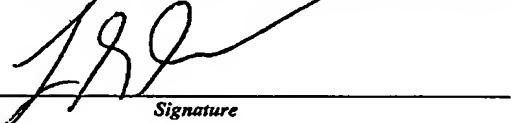
A check in the amount of _____ is attached.

The Director is hereby authorized to charge and credit Deposit Account No. 09-0458/IBM as described below.

- Charge the amount of _____
- Credit any overpayment.
- Charge any additional fee required.

Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

Dated: August 29, 2005

Leslie S. Szivos
Registration No. 39,394

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

cc:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____	
(Date)	
Signature of Person Mailing Correspondence	
Typed or Printed Name of Person Mailing Correspondence	

P16A/REV03

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
FIS920040004US1 (17368)

In Re Application Of: Brian Messenger, et al.

Application No. 10/710,738	Filing Date July 30, 2004	Examiner Mursalin B. Hafiz	Customer No. 23389	Group Art Unit 2814	Confirmation No. 4737
--------------------------------------	-------------------------------------	--------------------------------------	------------------------------	-------------------------------	---------------------------------

Title: MANUFACTURABLE RECESSED STRAINED RSD STRUCTURE AND PROCESS FOR ADVANCED CMOS

COMMISSIONER FOR PATENTS:

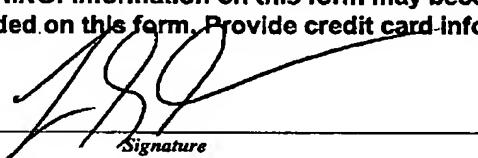
Transmitted herewith is:

RESPONSE UNDER 37 C.F.R. §§1.111 AND 1.143

in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. **09-0458/IBM** as described below.
 - Charge the amount of _____
 - Credit any overpayment.
 - Charge any additional fee required.
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

Dated: August 29, 2005

Leslie S. Szivos
 Registration No. 39,394

SCULLY, SCOTT, MURPHY & PRESSER
 400 Garden City Plaza, Suite 300
 Garden City, New York 11530
 (516) 742-4343

CC:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____.	
(Date)	
<i>Signature of Person Mailing Correspondence</i>	
<i>Typed or Printed Name of Person Mailing Correspondence</i>	

AUG 29 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant(s):** Brian Messenger, et al.**Examiner:** Mursalin B. Hafiz**Serial No:** 10/710,738**Art Unit:** 2814**Filed:** July 30, 2004**Docket:** FIS920040004US1 (17368)**For:** MANUFACTURABLE RECESSED
STRAINED RSD STRUCTURE AND
PROCESS FOR ADVANCED CMOS**Dated:** August 29, 2005**Confirmation No.:** 4737

Mail Stop Amendment
Commissioner for Patents
United States Patent Office
Alexandria, VA 23313-1450

RESPONSE UNDER 37 C.F.R. §§1.111 AND 1.143

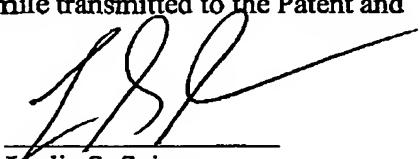
Sir:

In response to the Office Action dated August 4, 2005, applicants provisionally elect, without traverse, the subject matter of Group I, i.e., Claims 1-6 for continued prosecution in the above-identified patent application.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: August 29, 2005


Leslie S. Szivos